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February 4, 2020

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
500 Pearl Street
New York, New York 10007

Re: *Ramirez v M.L. San Jose Enterprises, Corp.*, CA No. 1:19-cv-03429 (LGS)

Your Honor,

We represent the defendants in the above referenced matter. We submit this letter in opposition to plaintiff's letter, dated February 3, 2020, purporting to raise the issue of a discovery dispute and requesting permission to file a motion to compel discovery.

As the court is aware, this firm was recently engaged to represent the defendants in this action. On Tuesday, January 28, 2020, plaintiff's counsel and I spoke about his concerns with regard to the discovery responses provided by my predecessor. During the phone call I agreed to review the document production and supplement, if necessary, by Wednesday, February 5, 2020. The contents of the telephone call were memorialized in two subsequent emails. See Exhibits A & B. In the first email, sent by plaintiff's counsel to me, counsel writes "Defendants have represented that they will turn over outstanding discovery documents by February 5, 2020." Exhibit A. In response, I write to confirm and note "[t]o the extent that I have additional information that has not already been provided I will endeavor to provide that to you by February 5, 2020." Exhibit B.

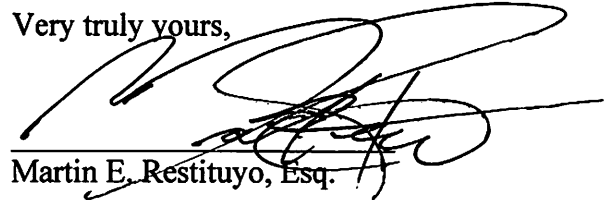
While I fully understand counsel's desire to augment his legal fees, including by pursuing an ill-fated class certification process and seeking to participate in unnecessary motion practice, it nevertheless came as a surprise to see him misrepresent the nature of our conversation in order to do so. At the moment there is no discovery dispute. A motion to compel discovery is unnecessary.

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Thus, for the reasons set forth herein, we respectfully request that the Court deny plaintiff's request for permission to file a motion to compel discovery. Moreover, we respectfully request such other and further relief as the Court may deem just and proper, and welcome any court action that will help curtail plaintiff's improper use of the legal process.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'M. Restituyo', written over a horizontal line.

Martin E. Restituyo, Esq.

Counsel for Defendants